

Survey of Planning Law Principles, 970:517 Professor Judd Schechtman December 3, 2009

As visitors to Washington, DC explore the city from the comfort of the omnipresent tour buses, they are often informed that the city's relative lack of tall buildings is due to a strict height limit. Residents and tourists alike commonly believe that the local law was imposed in order to preserve the view of the Washington Monument and U.S. Capitol Building from all areas of the city. As it turns out, this frequently repeated bit of local lore is not quite true. Although the city does have stringent height restrictions, the law was actually passed by Congress in 1899 in response to community outrage over the construction of the Cairo Hotel in the northwest quadrant. In the past few decades, Washington has experienced an economic resurgence, prompting calls to abolish or modify Washington's height restrictions in order to encourage greater density and alleviate high office rents. This paper examines the ways in which Washington's height limits have shaped the city's subsequent growth and how this issue fits into the broader question of zoning restrictions and economic expansion.

Washington, DC has been a planned city since its inception. When George Washington chose Washington D.C. to be the nation's capital in 1791, it was supposed to represent a break from the traditional notion of a city, unencumbered by greedy commercial interests and unruly mobs like in Boston and Philadelphia. The site was a compromise location between Northern and Southern states, encompassing the preexisting port cities of Alexandria and Georgetown in Virginia, as well as a deepwater harbor in Anacostia. The French artist Pierre L'Enfant designed a Baroque-style, rectilinear grid for the city in order to provide grand space fit for the symbolic home of American ideals, filled with wide boulevards and public parks. L'Enfant's design has continued to have a deep impact on not only the physical form of the city, but also the way

Washingtonians see themselves. Residents are proud to live in a city that celebrates the nation's founding doctrines through grandiose architecture and urban planning.¹

While L'Enfant's planned the horizontal layout, George Washington set a height limit for the city. In 1791, the same year as its founding, the nation's first president set a 40-foot height restriction in order to "provide for the extinguishment of fires, and the openness and convenience of the town, by prohibiting houses of excessive height." Thomas Jefferson, the nation's third president, envisioned Washington as "an American version of 18th-century Paris, with 'low and convenient' housing on 'light and airy' streets." This shared vision for the city was based on an aversion to the narrow, polluted early industrial cities of Europe, rather than a protest against high buildings. Until the latter part of the 19th century, building heights were restricted by the large amount of water pressure needed to supply running water and the number of stairs that people were able and willing to climb.

The invention of the elevator and advancements in water pump technology in the 19th century allowed for substantially higher building heights. The era of the skyscraper began in 1884 with the debut of the Home Insurance Building in Chicago, rising ten stories and 138 feet above the city. Although buildings at this height and taller had existed since antiquity, including the Egyptian pyramids, the Home Insurance Building was the first to employ a load-bearing structural frame made of steel, henceforth known as the "Chicago skeleton." This early building method eventually allowed for the construction of the tallest "megastructures" of the modern

¹ Schrag, Zachary M. (2006). The Great Society Subway: A History of the Washington Metro. Baltimore, MD: The John Hopkins University Press.

² Gilmore, Matthew (October 2007). H-DC / Building Height Timeline. Retrieved November 30, 2009 from http://www.h-net.org

³ Grunwald, Michael (July 2, 2006). DC's Fear of Heights. *The Washington Post*.

world, with the current record holder in Taipei, Taiwan topping out at 1, 671 feet.⁴ Technological advances, industrial wealth and cheap energy allowed for this sort of innovation, but whether these structures actually have had a positive impact on the urban form is a separate consideration.

For the residents of Washington, tall buildings stood in stark contrast to the rest of the city's low-lying, picturesque architecture. At the turn of the century, Washington was in the midst of the City Beautiful movement. The McMillan Plan, formulated in 1901, sought to fully realize L'Enfant's vision for the city by bringing Old World glamour to the nation's capital. At the same time that the city was building new public monuments and Beaux Art government structures, private developers were working to bring tall, modern architecture to downtown D.C. When the Cairo Hotel was constructed in the Dupont Circle area, it was reviled as a 14-story aberration that would dwarf the surrounding neighborhood.⁵

In response to protests, Congress passed the Heights of Buildings Act in 1899, which dictated that no new building could exceed the height of the U.S. Capitol. This act was amended in 1910 with the passage of the Building Height Act, which stated that "no building shall be erected, altered, or raised in the District of Columbia in any manner so as to exceed in height above the sidewalk the width of the street, avenue, or highway in its front, increased by 20 feet."6 As an addendum, the 1910 act allowed for "spires, towers, domes, minarets, pinnacles, penthouses over elevator shafts, ventilation shafts, chimneys, smokestacks, and fire sprinkler

⁴ Skyscraper. (n.d.) In Wikipedia, the free encyclopedia. Retrieved December 3, 2009 from http://en.wikipedia.org/wiki/Skyscraper

⁵ Livingston, Mike (February 13, 2004). D.C.'s height limits: Taking the measure of their impact. Washington Business Journal.

⁶ D.C. CODE ANN. § 6-601.05 (2001)

tanks may be erected to a greater height," subject to approval by the District's mayor, "provided that penthouses, ventilation shafts, and tanks shall be set back from the exterior walls distances equal to their respective heights above the adjacent roof." This 1910 law still forms the basis of D.C.'s strict height limits, although local planners can make some minor exceptions, such as One Franklin Square, which at 210 feet is currently the tallest commercial building in downtown. The Old Post Office is the tallest structure overall at 315 feet, but it was built before the height limits were set.

These acts were issued at a time in American history when municipal governments were struggling to adapt municipal land use policies to better promote public safety and health and promote property values in Industrial-era cities. The first comprehensive zoning ordinance was issued by New York City in 1916, but this ordinance was predated by turn-of-the-century height and land use regulations. The authority to use police power in order to regulate building heights was granted by the seminal U.S. Supreme Court case Welch vs. Swasey, 214 U.S. 91 (1909), one year before the passage of Washington's Building Height Act. In fact, Welch vs. Swasey was heavily cited in Village of Euclid, Ohio v. Ambler Realty Co., 272 U.S. 365 (1926), the case that established that the separation of land uses achieves a legitimate public purpose. Citing Welch, as well as other contemporary cases, Justice Sutherland wrote:

There is no serious difference of opinion in respect of the validity of laws and regulations fixing the height of buildings within reasonable limits, the character of materials and methods of construction, and the adjoining area which must be left open, in order to minimize the danger of fire or collapse, the evils of overcrowding and the like, and excluding from residential sections offensive trades, industries and structures likely to create nuisances.8

⁷ Welch v. Swasey, 214 U.S. 91, 29 S.Ct. 567, 53 L.Ed. 923 (1909)

⁸ Village of Euclid, Ohio v. Ambler Realty Co., 272 U.S. 365 (1926)

Welch vs. Swasev was the first nation-wide authority to establish not only that the state could regulate the development of private property, but also vary that regulation according to district. The case concerns two statutes passed by Massachusetts in 1904 and 1905 that divided the city of Boston into districts where District A had a building height limit of 80 or 100 feet and District B had a building height limit of 125 feet. Accordingly, the plaintiff was denied a building permit because his proposed construction exceeded those limits. The plaintiff alleged that these regulations were a violation of his constitutional rights because it was a taking of his property without just compensation, as well as a denial of equal protection under the law. The plaintiff also alleged that the law was an illegitimate use of police power because it was based on aesthetic grounds, not public welfare, and because the creation of different height districts was arbitrary.

The plaintiff applied to the Supreme Judicial Court for a writ of mandamus to be issued upon the Building Commissioner of the City of Boston to issue the requested permit, but was denied on the grounds that the height restriction was a legitimate use of police power. The U.S. Supreme Court affirmed this verdict and reiterated that the 1904 and 1905 Acts were, "a proper exercise of the police power of the state, and are not unconstitutional under the equal protection and due process clauses of the Fourteenth Amendment." Furthermore, they held that, "Where there is justification for the enactment of a police statute limiting the height of buildings in a particular district, an owner of property in that district is not entitled to compensation for the reasonable interference with his property by the statute."

Thus, Welch determined not only that height restrictions are a legitimate use of police power, but also that they therefore do not qualify as government takings subject to compensation under the Fourteenth Amendment. Subsequent cases challenging the validity of height limits

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were decided as applied, where variances may be obtained due to undue hardships or practical difficulties. In Washington, the 1910 Building Height Act granted the mayor power to issue variances for architectural embellishments, which was subsequently delegated to the Board of Zoning Adjustment. The plaintiff in *Welch* challenged the law on the grounds that it promoted aesthetics rather than public welfare, but the Court held that the act was legitimate because it was based on the protection of public health and safety, not aesthetics. Later cases, however, held that promoting aesthetics is a legitimate use of police power. The influential case *Landmark Land Co. v. City of Denver*, 738 P.2d 1281 (1986)⁹ held that a height restriction in downtown Denver meant to protect views of the Civic Center accomplished a legitimate use of police power and was therefore not a taking.

Washington's first Zoning Ordinance, passed in 1920, divided the city into various height and use districts, with regulations for each district. The Zoning Act of 1938 established the police power of the Zoning Commission to regulate height. The act also declared that zoning could not supersede the 1910 Building Height Act. The formal structure of the zoning commission changed, especially after the passage of the 1973 Home Rule Act, but the height limit remained intact. The switchover from complete Congressional oversight to a locally elected town council and mayor brought some confusion in deciding how zoning regulations should be administered. In 1998, it was established that D.C. Council has the authority under the Home Rule Act of 1973 "to amend the Schedule of Heights of Buildings Adjacent to Public

⁹ Landmark Land Co. v. City and County of Denver, 738 P.2d 1281 (Colo. 1986)

¹⁰ DC Zoning History. *District of Columbia Office of Zoning* website. Retrieved December 1, 2009 from http://www.dcoz.dc.gov/about/history2.shtm#1920

Buildings as long as any amendment is within the overall limitations set forth in the Building Height Act of 1910."11

Throughout Washington's history, Congress has generally favored a more conservative city plan, which has often come into conflict with the actual needs and wants of D.C. residents. In 1940, National Capital Planning Commission chair Frederic Delano actually suggested lowering the height limit. Washington is however susceptible to the same architectural and city planning trends affecting the rest of the country. After a general population decline and the devastating 1968 riots, a number of projects were proposed in order to revitalize the city's shattered downtown. These urban renewal and highway building projects led to some attempts to construct much higher buildings. In 1968, the McMillan Bill was introduced, which proposed legislation that would raise the height limit to 230 feet. In 1969, Rep. Augustus Hawkins (D-Calif.) introduced bill H.R. 5528, in order "to authorize realistic, economic, and modern building heights and bulk in the District of Columbia", proposing a 630 foot height limit.

These modern architecture-oriented bills were generally short-lived. After the 1973 Home Rule Act, D.C.'s local government tended to favor more growth-oriented planning policies, while Congressional leaders often sought to preserve the city's historic character. The height limit was increased to 160 feet in some places through a zoning bonus and residential zones were given a 40-foot limit. Most recently, in 1994, Rep. Fortney "Pete" Stark (D-Calif.) introduced legislation to Congress that would negate long-standing interpretations of the 1910 Building Height Act. The introduction of the bill (H.R. 4242) was prompted by the proposed

¹¹ Authority of the D.C. Council Under the Home Rule Act to Amend the Schedule of Heights of Buildings (August 28, 1998). United States Department of Justice.

¹² Gilmore, Matthew (October 2007). H-DC / Building Height Timeline. Retrieved November 30, 2009 from http://www.h-net.org

construction of the WETA telecommunications facility in the Foggy Bottom neighborhood, which would have exceeded the area's 110-foot height limit by 6.5 feet. Congressman Stark felt that "among the most attractive features of our Nation's Capital is its skyline" and wanted to prevent this view from being obscured by rooftop mechanical penthouses and other protrusions that might exceed the height limit. The bill was heard before Congress on April 26, 1994, where it was opposed by D.C. Delegate Representative Eleanor Holmes Norton, who felt that the bill was an intrusion in local affairs. ¹³

Another challenge to the local government's power to regulate height limits came in the case *Techworld Development Corporation v. District of Columbia Preservation League*, 648 F.

Supp. 106 (D.D.C. 1986).

1415 In this case, the District of Columbia Preservation League challenged the National Capital Planning Commission's (NCPC) approval of Techworld's proposed 130-foot construction as a violation of D.C. law. After the D.C. Corporation Counsel approved the proposal under a special maximum height formulation, the NCPC voted in favor of the project, including a rezoning and planned unit development approval. The court ruled in favor of Techworld because, according to the 1910 act, "there is no general private right of action for the HBA [Height of Buildings Act]" and the statute specifically authorizes the D.C. Corporation Counsel to approve height variances. Accordingly, the opinion letter of the D.C. Corporation Counsel would only be overturned if the plaintiffs could show that it was "plainly

¹³ Lewis, Roger K. (April 23, 1994). Testing the Upper Limits of D.C. Building Height Act. *The Washington Post*, page F03.

¹⁴ Techworld Development Corp. v. D.C. Preservation League, 648 F.Supp. 106 (D.D.C. 1986)

¹⁵ Harris, Charles W. and Harris, Neeka (1989). Conflicting Vistas in the Nation's Capital: The Case of the World Technology Trade Center. *Catholic University Law Review*, 38 Cath. U.L. Rev. 599.

unreasonable or contrary to legislative intent."

In recent year, controversies over who has the authority to regulate variances have taken a backseat to the overall question of whether or not D.C. should have a height restriction at all. Although citywide height limits are usually seen in terms of the city's authority to limit growth versus the natural progression of population growth, it is also necessary to examine the issue of private property rights. Early land usage cases like *Welch*, framed the debates over zoning ordinances and building codes in terms of the right of the individual owners to determine the usage of their property in opposition to the rights of neighboring property owners and the public at large.

If an individual developer chooses to build a tall structure on their property, the building can bring down property values on neighboring properties by restricting scenic views, as in *Landmark Land Co. v. City of Denver*, or by blocking access to sunlight and air. Blocking sunlight and air may also affect vegetation on the street and in parks, making it difficult for plant life to flourish. If enough tall structures were built on a narrow, densely built grid, the lack of light and air could have an impact on the physical and mental health of the residents. Property values may also be diminished if the tall structures are seen as aesthetically unappealing, or physically dwarf neighboring structures.

In Washington, the debate has mainly centered on aesthetic considerations, which is often grouped under the heading of historic preservation. The changing form of American cities since the advent of the skyscraper and the automobile has brought ample evidence of the huge impact of modern design on urban life. The US National Trust for Historic Preservation was established in 1949, at a time when urban renewal projects and population declines began to pose a serious threat to the physical character of many older American cities. As the nation's capital,

Washington naturally has been the site of many more important historical events than most midsized cities. Furthermore, the fact that George Washington and L'Enfant originally designed Washington to imitate classic cities in Europe is a good indication of how highly residents value historical urban form. The District of Columbia Inventory of Historic Sites originated in 1964, and now contains more than 700 designations encompassing nearly 25,000 properties, including landmarks, building interiors, artifacts, and neighborhood historic districts.¹⁶

This is not to say that height restrictions are completely at odds with modern design, since modern architecture is distinguished by more than size. Although Washington architecture is mostly known for grand Beaux Art structures like the U.S. Capitol Building and the White House, the city's downtown areas are dominated by squat 1970's and 80's-style office buildings, known disparagingly as the "Washington Box." The downtown section, especially the famous K. Street corridor, is teeming with law firms, lobbying firms and non-profits, as well as a large number of restaurants, bars, drugstores and other services that cater to office workers. It is concentrated in the area north of Constitution Avenue NW, east of Rock Creek Park, south of M Street NW, and west of the U.S. Capitol. Downtown D.C. currently has the second lowest vacancy rate in the country, which has led the local government to expand the commercial area to surrounding neighborhoods. The Downtown Business Improvement District, a "tax-funded nonprofit that works to revitalize the city's urban core," is working to bridge the gap between the well-established downtown near the White House and the recently gentrified Gallery

District of Columbia Inventory of Historic Sites (2009). Government of the District of Columbia, Historic Preservation Review Board. Retrieved December 1, 2009 from http://www.planning.dc.gov/hp

¹⁷ Van Dyne, Larry (March 2009). Tear It Down! Save it! *The Washingtonian*.

¹⁸ About the Downtown DC BID. *Downtown DC Business Improvement District* website. Retrieved December 4, 2009 from http://www.downtowndc.org/about_downtown_dc_bid

Place/Chinatown neighborhood.

Because so much of the city's land is owned by the federal government and non-profits, the local government is constantly searching for ways to expand its tax base. In recent years, this continuous pursuit of local property tax revenue has been aided by a general trend towards urban living and gentrification in Washington, with many young office workers moving to historic neighborhoods within the district rather than the Northern Virginia and Maryland suburbs. This trend has been helped by Washington's extensive Metro, which is currently the second most utilized subway system in the country.¹⁹ Furthermore, Christopher Leinberger of the Brookings Institute named Washington the country's most walkable city in 2007.²⁰ Young residents value good transit and walkability not only for their contributions to enabling a vibrant urban lifestyle, but also for their contributions to environmental sustainability. In the past few years, concerns over climate change have led to led to a worldwide focus on energy usage, pollution, waste disposal and other environmental concerns.

In the context of urban renewal, global population growth and climate change, many planners and economists have argued that all three issues can be alleviated by encouraging greater density in urban cores, rather than auto-dependant "urban sprawl" in the suburbs.

Because they are capable of accommodating so much office space and residential space within in a small geographic area, many have asserted that encouraging the construction of taller buildings is the best way to increase urban density. Even Paris, the French capital so admired for its

¹⁹ WMATA Facts. *The Blackburn Institute*. Retrieved November 26, 2009 from http://blackburninstitute.ua.edu

²⁰ Leinberger, Christopher B. (December 4, 2007). Footloose and Fancy Free: A Field Survey of Walkable Urban Places in the Top 30 U.S. Metropolitan Areas. Washington, D.C.: *The Brookings Institution*.

beautiful architecture and charming old streets, has been considering relaxing the city's height restrictions in order to promote "sustainable development," although the large majority of residents strongly oppose the plan.²¹

In early 2007, the previously mentioned Christopher Leinberger of the Brookings Institute made a controversial speech at the National Building Association conference where he suggested raising Washington's height limit in order to encourage density. Leinberger asserted that the height limits have deadened Downtown, led to drab, boxy architecture and reduced the municipal tax base. Furthermore, the regulations have promoted suburban sprawl, caused terrible traffic congestion and prevented Washington from becoming a world-class city despite economic growth and a large, expanding core industry – the federal government. Furthermore, the height restrictions force developers to limit retail store heights to 10 feet in order to save room for more office space, although most top retailers prefer 12 to 20 foot high ceilings. The previously mentioned Downtown D.C. Business Improvement District projects that only 57 million square feet of space remains for offices, shops and apartments in the central downtown. If development continues at an annual rate of 3 million to 3.5 million square feet, as it has for the past five years, the remaining land would be occupied by 2027, if not sooner.²² According to one analysis, no more space will be available in a 3.5-mile stretch from Georgetown to Capitol Hill within 15 years.²³

²¹ Samuel, Henry (July 8, 2008). Paris mayor proposes high-rise changes to city skyline. *Telegraph.co.uk*. Retrieved December 2, 2009 from http://www.telegraph.co.uk/

²² Schwartzman, Paul (May 2, 2007). High Level Debate on Future of D.C. *The Washington Post.*

²³ Associated Press (October 13, 2008). Land scarcity sparks tower talk. *Washington Times*.

Residents like the height restrictions for quality of life reasons, whereas developers who already own property like the restrictions because they inhibit competition from new builders. The D.C. government, on the other hand, favors measures that will increase the city's tax revenue. A 2003 study conducted by former Mayor Anthony Williams found that Washington would gain up to \$10 billion in tax revenue over 20 years if the height limit were raised to 160 feet throughout the city. Although favored by Mayor Williams and Mayor Fenty, not all members of the local government wish to raise the height limits. Councilmember Phil Graham recently stated, "With all due respect to the great blustering city of Chicago, D.C. is a different place. You have a historical tradition. ... Without that height limit, it would just be another city of tall buildings."²⁴

The question of how Washington would have developed without a strict height limit was addressed by a recent issue of *Planning* magazine. The article found that current development has led to a positive trend of filling in parking lots and vacant sites with new buildings, creating continuity between the various neighborhoods. The pressure to utilize the entire lot in order to maximize available space causes developers to build with no setbacks, leading to "continuous urban frontages" rather than suburban style setbacks. The limited amount of space also leads development to expand beyond the traditional downtown, creating an even spread of buildings throughout the city. Combined with a strong historic preservation program and well-designed public transit, D.C. has developed into an "urbane place." The author concluded, "Many other cities would do well to adopt D.C.-style development regulations for their central districts—limiting size by means of height controls and permitting tall buildings at special locations as

²⁴ Falk, Leora (July 6, 2007). Should the D.C. Skyline be Changed? *Houston Chronicle*, Section A, Page 3.

exceptions and not the rule."25

Although most modern planners favor dense urban cores in order to encourage "Smart Growth," not all "Smart Growth" advocates favor skyscrapers as a means to promote density. Influential thinkers like Nikos Salingaros, James Howard Kunstler and Christopher Alexander believe that "high-rise buildings deform the quality, the function, and the long-term health of urbanism in general by overloading the infrastructure and the public realm of the streets that contain them." In his influential book A Pattern Language, Christopher Alexander advocated a 4-story limit on buildings, with tall buildings reserved for landmarks and monuments, not work or living space. Michael W. Mehaffy writes of the negative environmental effects of skyscrapers, including the "heat island effect", wind effects, building materials with very high embedded energy, excessive heat gain and loss, high production costs and inefficient floorplates. Due to these and other considerations, Mehaffy believes that the carbon benefits level off at the 4 to 6-story level. As for financial considerations, Carol Willis wrote in her book Form Follows Finance that building up results in diminishing returns due to increasingly complex and energy-dependent structural, mechanical, and circulation systems.

²⁵ Barnett, Jonathan (February 2004). What a Height Limit Does for a City. *Planning*, (Vol. 70 Issue 2), 14-16.

²⁶ Kunstler, James H. and Salingaros, Nikos A. (September 17, 2001). The End of Tall Buildings. *Planetizan.com*. Retrieved from http://www.planetizen.com/node/27

²⁷ Salingaros, Nikos A. Algorithmic Sustainable Design: The Future of Architectural Theory. *Lecture 11, University of Texas at Austin.* Retrieved November 29, 2009 from http://www.worldarchitecture.org/files/doc_datas/298215_.pdf

²⁸ Neil (April 22, 2009). Height is not an urban strategy. *Tsarchitect.com*. Retrieved from http://tsarchitect.nsflanagan.net/?p=392

Although some critics do advocate abolishing the height limit entirely, others believe a moderate lifting of the restrictions in selected areas would also benefit the city. Some have suggested that height limits should be lifted around major Metro stations that serve commuters from the Washington region, or only at transportation hubs away from the traditional downtown. Leinberger actually suggests that the regulations be retained in historic areas, such as the corridors along the Mall and along Pennsylvania Avenue between the White House and the Capitol.²⁹

On the other side of the spectrum, height limit fans suggest that the restrictions should only be lifted after other sections of the city are built out, since most of the city is devoted to low, single family homes, which are "a misallocation of the land, well under optimal density." Rather than a fault of height restrictions, this is a function of poor zoning practice, which could be alleviated by more mixed-use zoning. If there were more residential development in commercial areas, this would also prevent those neighborhoods from being completely abandoned after work hours, which leads to crime and wasted infrastructure resources. As to the question of the "Washington Box," an office building with low ceilings and "square, unimaginative facades," height limit fans blame poor architecture rather than restrictions, pointing out the number of elegant new buildings built in recent years. 31

If Washington needs an idea of how the city would develop if restrictions were lifted, it can look to Philadelphia, which lifted its height limits in the 1980's, or Chicago, which lifted its

²⁹ Schwartzman, Paul (May 2, 2007). High Level Debate on Future of D.C. *The Washington Post*.

Neil (April 22, 2009). Height is not an urban strategy. *Tsarchitect.com*. Retrieved from http://tsarchitect.nsflanagan.net/?p=392

³¹ Associated Press (October 13, 2008). Land scarcity sparks tower talk. Washington Times.

limits in the 1930's. Although both of these cities are now home to numerous very tall buildings, the surrounding suburbs have experienced similar levels of sprawl to Washington, suggesting that factors such as zoning and transportation play a larger role in promoting suburbanization than height restrictions. Witold Rybczynski, an architecture critic at the University of Pennsylvania, stated that Philadelphia's skyline took away its distinguishing historic character and "It would be a shame if Washington became like everywhere else. It seems to me that we could have one city that was very different."

Perhaps it is this sense that Washington is different from the average American city that underlies the strong sentimental attachment to the height limits. Washington is unique not only in the United States, but also in the world, because it is a city planned to be a symbol of American ideals. Despite periodic proposals to change the historic limits, the chances of overturning the law seem slim because of the lack of support from Congress, as well as D.C. residents and some factions of the local government. If current zoning laws can be modified to allow for more mixed use development in underutilized, residential areas, it seems unlikely that the height limit will be substantially altered in the near future. If current population and economic growth patterns continue, however, the city will in fact run out of space one day. When this becomes the case, then as far the height restrictions go, the sky may be the limit.

³² Schwartzman, Paul (May 2, 2007). High Level Debate on Future of D.C. *The Washington Post*.